

AL-15-000-2012

STEVE DAINES
MONTANA

206 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 226-3211

Congress of the United States
House of Representatives
Washington, DC 20515-2600

November 13, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20460

Dear Administrator McCarthy:

We respectfully request a 90-day comment period extension for the EPA and Army Corps of Engineers revision to the Clean Water Act definition of "Waters of the United States" proposed on April 21, 2014.

As you are aware, this proposal would expand federal jurisdiction under the CWA to include manmade conveyances, ditches, and ephemeral water streams. An expansion of this magnitude seems to give limitless jurisdiction and would drastically impact many of our constituents.


On September 9 2014, the House of Representatives passed H.R. 5078, the *Waters of the United States Regulatory Overreach Protection Act* with strong bipartisan support. This vote was a powerful reflection of the concerns of the American people about this proposal. We believe it is appropriate and critical for the EPA to extend the comment period to allow more Americans to fully express their views.

We appreciate your attention to this matter and look forward to your timely response.

Sincerely,

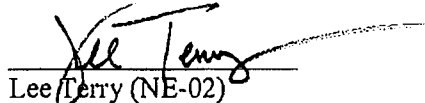


Steve Daines (MT-A1)
Member of Congress

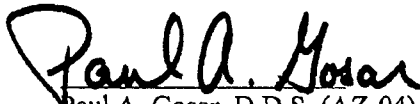

Doug LaMalfa (CA-01)
Member of Congress



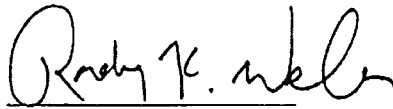
Rob Bishop (UT-01)
Member of Congress



Lee Terry (NE-02)
Member of Congress



Paul A. Gosar, D.D.S. (AZ-04)
Member of Congress



Randy Weber (TX-14)
Member of Congress



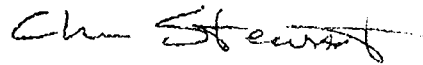
Steve Pearce (NM-02)
Member of Congress



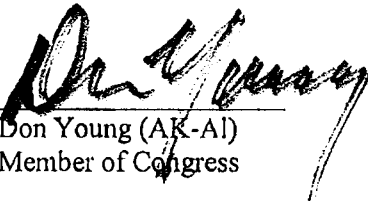
Tom McClintock (CA-04)
Member of Congress



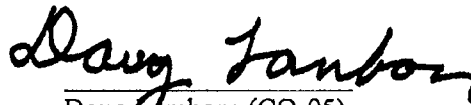
David Schweikert (AZ-06)
Member of Congress



Chris Stewart (UT-02)
Member of Congress



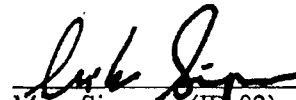
Don Young (AK-AL)
Member of Congress



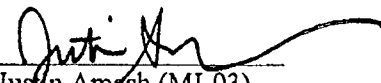
Doug Lamborn (CO-05)
Member of Congress




Aaron Schock (IL-18)
Member of Congress



Mike Simpson (ID-02)
Member of Congress



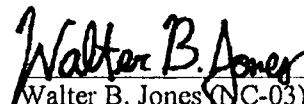
Justin Amash (MI-03)
Member of Congress



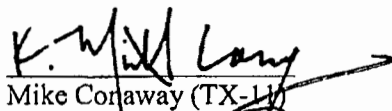
Jaime Herrera Beutler (WA-03)
Member of Congress




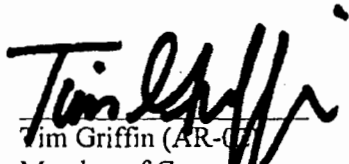
Lamar Smith (TX-21)
Member of Congress





Walter B. Jones (NC-03)
Member of Congress



Mike Conaway (TX-11)
Member of Congress

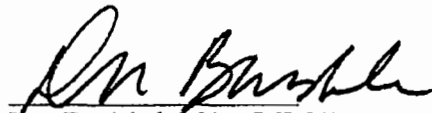

Jim Bridenstine (OK-01)
Member of Congress

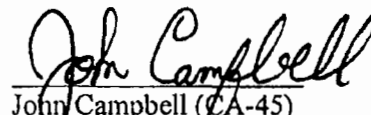

Tim Griffin (AR-05)
Member of Congress

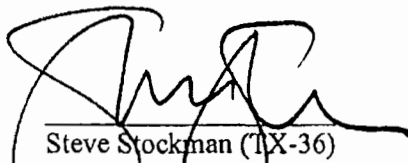

Steve Southerland II (FL-02)
Member of Congress

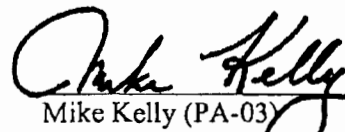

Mick Mulvaney (SC-05)
Member of Congress

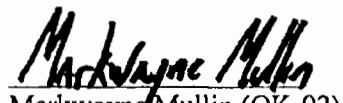

Adam Kinzinger (IL-16)
Member of Congress

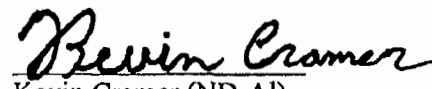

Dan Benishek M.D. (MI-01)
Member of Congress



John Campbell (CA-45)
Member of Congress

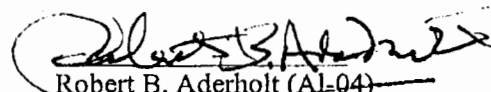

Steve Stockman (TX-36)
Member of Congress



Mike Kelly (PA-03)
Member of Congress

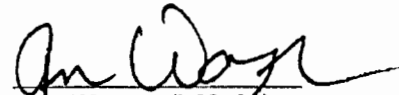

Markwayne Mullin (OK-02)
Member of Congress

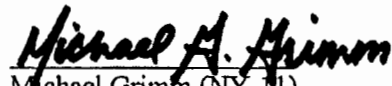

Kevin Cramer (ND-01)
Member of Congress

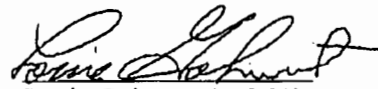

Joe Barton (TX-06)
Member of Congress

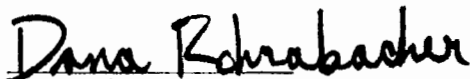

Robert B. Aderholt (AL-04)
Member of Congress



Tim Huelskamp (KS-01)
Member of Congress

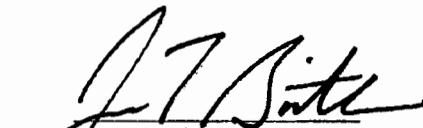

Art Wagner (MO-02)
Member of Congress

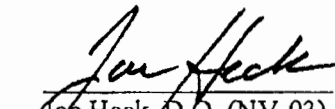

Michael Grimm (NY-11)
Member of Congress

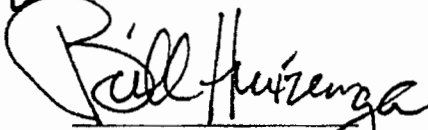

Louie Gohmert (TX-01)
Member of Congress

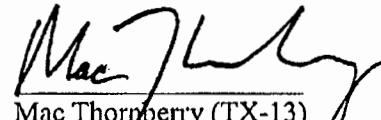

Dana Rohrabacher (CA-48)
Member of Congress

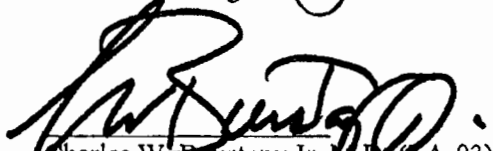

David G. Valadao (CA-21)
Member of Congress

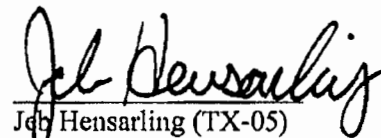

Jason Smith (MO-08)
Member of Congress

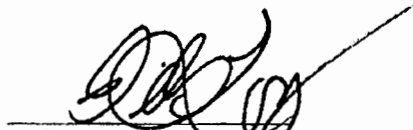

Joe Heck, D.O. (NV-03)
Member of Congress

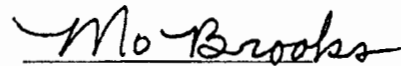

Bill Huizenga (MI-02)
Member of Congress

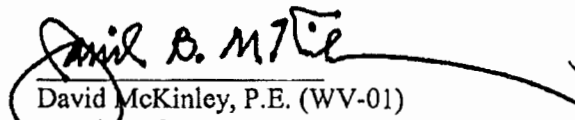

Mac Thornberry (TX-13)
Member of Congress

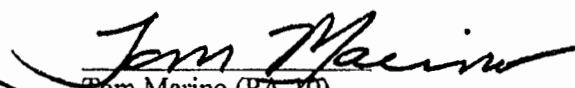

Charles W. Boustany Jr. (LA-03)
Member of Congress

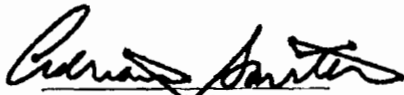

Jeb Hensarling (TX-05)
Member of Congress


Billy Long (MO-02)
Member of Congress


Mo Brooks (AL-05)
Member of Congress


David McKinley, P.E. (WV-01)
Member of Congress

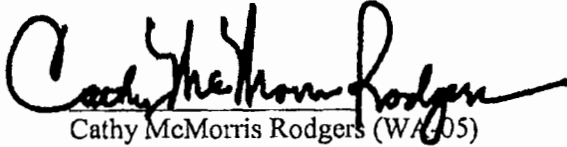

Tom Marino (PA-10)
Member of Congress



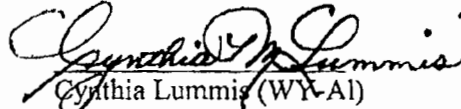
Adrian Smith (NE-03)
Member of Congress



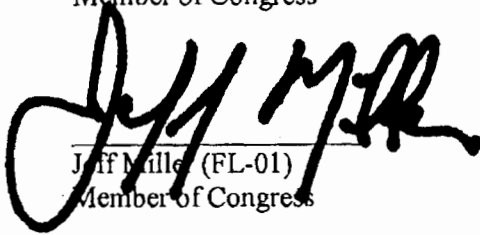
Mark Amodei (NV-02)
Member of Congress



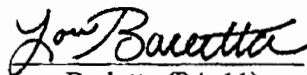
Cathy McMorris Rodgers (WA-05)
Member of Congress



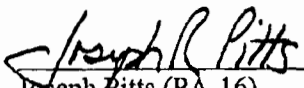
Cynthia Lummis (WY-A1)
Member of Congress



Jeff Miller (FL-01)
Member of Congress



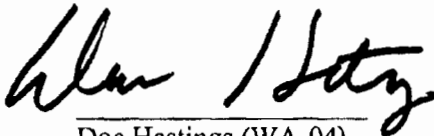
Lou Barletta (PA-11)
Member of Congress



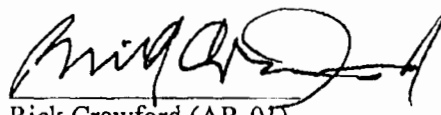
Joseph Pitts (PA-16)
Member of Congress



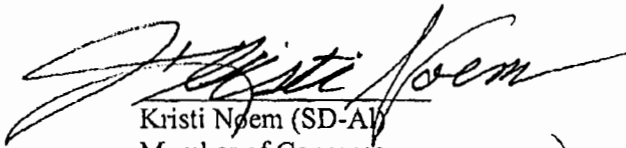
Doug Collins (GA-09)
Member of Congress



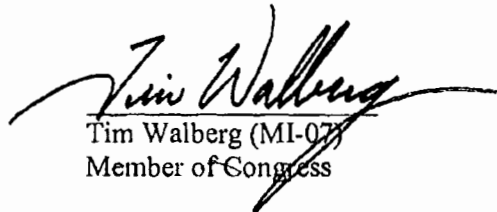
Doc Hastings (WA-04)
Member of Congress



Rick Crawford (AR-01)
Member of Congress



Kristi Noem (SD-A1)
Member of Congress



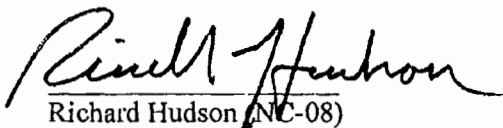
Tim Walberg (MI-07)
Member of Congress



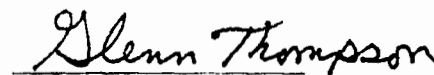
Scott Tipton (CO-03)
Member of Congress



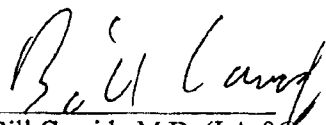
Bill Flores (TX-17)
Member of Congress

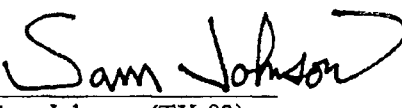


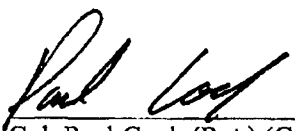
Richard Hudson (NC-08)
Member of Congress

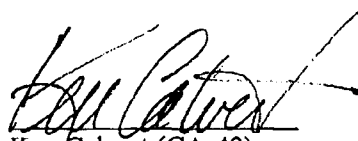


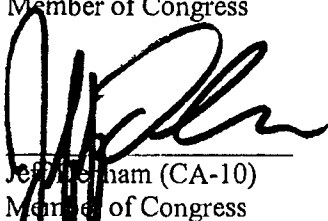
Glenn "G.T." Thompson (PA-05)
Member of Congress

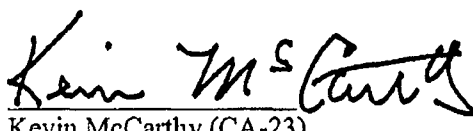

Bill Cassidy M.D. (LA-06)
Member of Congress


Sam Johnson (TX-03)
Member of Congress

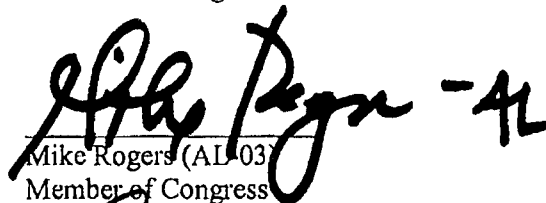

Col. Paul Cook (Ret.) (CA-08)
Member of Congress

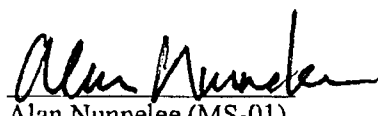

Ken Calvert (CA-42)
Member of Congress

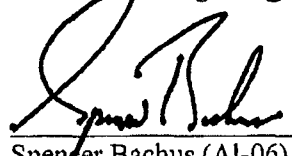

Jeff Denham (CA-10)
Member of Congress

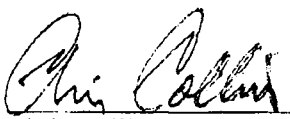

Kevin McCarthy (CA-23)
Member of Congress

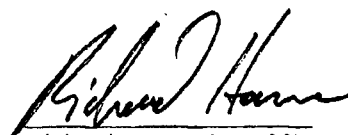

Dave Reichert (WA-08)
Member of Congress



Mike Rogers (AL-03)
Member of Congress

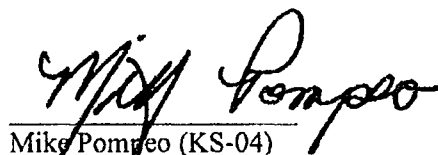

Alan Nunnelee (MS-01)
Member of Congress


Spencer Bachus (AL-06)
Member of Congress


Chris Collins (NY-27)
Member of Congress


Richard Hanna (NY-22)
Member of Congress


Trent Franks (AZ-08)
Member of Congress


Mike Pompeo (KS-04)
Member of Congress

Raúl R. Labrador

Raúl Labrador (ID-01)
Member of Congress

Thomas Massie

Thomas Massie (KY-04)
Member of Congress

Kevin Yoder

Kevin Yoder (KS-03)
Member of Congress

Rodney Davis

Rodney Davis (IL-13)
Member of Congress

Marsha Blackburn

Marsha Blackburn (TN-07)
Member of Congress

Ted S. Yoho

Ted S. Yoho (FL-03)
Member of Congress

Lynn Jenkins

Lynn Jenkins (KS-02)
Member of Congress

Stephen Fincher

Stephen Fincher (TN-07)
Member of Congress

Joe Wilson

Joe Wilson (SC-02)
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

The Honorable Kevin McCarthy
House of Representatives
Washington, D.C. 20515

OFFICE OF
WATER

Dear Congressman McCarthy:

Thank you for your November 13, 2014, letter to the U.S. Environmental Protection Agency requesting an extension of the public comment period for the U.S. Department of the Army's and the EPA's proposed rulemaking to define the scope of the Clean Water Act consistent with science and the decisions of the Supreme Court. The agencies' rulemaking process is among the most important actions we have underway to ensure reliable sources of clean water on which Americans depend for public health, a growing economy, jobs, and a healthy environment.

The EPA and the U.S. Army Corps of Engineers published the proposed rule in the Federal Register on April 21, 2014, and originally provided for a 91-day public comment period. The agencies subsequently extended the public comment period an additional 91 days until October 20, 2014. In order to afford the public greater opportunity to benefit from the EPA Science Advisory Board's reports on the proposed jurisdictional rule and on the EPA's draft scientific report, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence," and to respond to requests from the public for additional time to provide comments on the proposed rule, the agencies again extended the public comment period until November 14, 2014, for a total length of 207 days.

The agencies believe that the 207-day public comment period provided the public with sufficient opportunity to review the proposed rule, the draft Connectivity Report, and the SAB's review of the draft Connectivity Report and the scientific basis of the proposed rule. As a result, the agencies did not further extend the public comment period beyond November 14, 2014. Now that the comment period has closed, the agencies are currently working to review the public comments we have received on the proposed rule as we work to develop a final rule.

Thank you again for your letter. We look forward to working with Congress as our Clean Water Act rulemaking effort moves forward. Please contact me if you have additional questions on this issue, or your staff may contact Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

Sincerely,

A handwritten signature in black ink that reads "Kenneth J. Kopocis". The signature is written in a cursive, flowing style.

Kenneth J. Kopocis
Deputy Assistant Administrator